

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

AGENDA DATES: August 20, 2003
September 03, 2003

To: Mayor and Councilmembers

FROM/PHONE: Mark Alan, Director of Human Resources Management 954.797.1169

SUBJECT: Ordinance

AGENDA ITEM #: 6.5 (AGENDA DATE: AUGUST 20, 2003)

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33 ESTABLISHING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS AND AMENDING ALL SUBSEQUENT ORDINANCES AMENDING SAID ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

This ordinance, upon its adoption, establishes updated Town Personnel Rules and Regulations with provisions consistent with contemporary standards aligned with best practices in the Human Resources Management (HRM) industry by amending current Town Rules and Regulations established by Ordinance 74-33 and by amending all subsequent ordinances amending Ordinance 74-33. The proposed ordinance also provides that any necessary future Town Council action regarding said Personnel Rules and Regulations will be addressed through resolution. This ordinance will take effect immediately upon adoption at the second reading on September 03, 2003.

Florida Statute 166.041(1)(a) states, "*Ordinance*" means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law." Florida Statute 166.041(1)(b) states, "*Resolution*" means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body."

The enactment or amendment of Town Personnel Rules and Regulations is not an "*official legislative action*" which is a "*regulation of a general and permanent nature and enforceable as a local law*." Said rules and regulations are more appropriately enacted or amended through the adoption of a resolution rather than through the adoption of an ordinance since the enactment or amendment of said rules and regulations concerns "*matters of administration*", and is "*a provision for the disposition of a particular item of the administrative business of the governing body*," expressly, Town of Davie employee work rules.

Town of Davie Code of Ordinances, Part I Charter, Section 7(K) Ordinances and Resolutions: Subsection (1) Form, states, "*Every ordinance and resolution proposed for adoption by the town council shall be in the proper form as required by the Florida Statutes.*" Code of Ordinances, Part I, Sec. 7(K)(2) Procedure, states, "*An ordinance may be introduced...at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall...publish the ordinance, by title only together with a notice setting out the time and place for a public hearing.... The public hearing shall follow the publication by at least seven (7) days....*" This, in essence, requires the ordinance to be addressed at two separate Town Council meetings. Part I, Sec. 7(K)(9) Resolutions, states, "*Resolutions may be introduced and passed...at any regular or special meeting of the town council....All resolutions shall become effective immediately unless otherwise specified therein.*" This allows for a resolution to be addressed and adopted during one Town Council meetings.

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Establishing updated Town Personnel Rules and Regulations and providing that necessary future Town Council action regarding said personnel rules and regulations will be addressed through resolution accomplishes primarily three (3) major objectives: 1) this action appropriately classifies and implements necessary future relevant Council action in accord with Florida Statute 166.041(1)(a)&(b) as indicated above; 2) this ordinance allows for a more rapid response to the need to take Council action with regard to said personnel rules and regulations via resolution in which an item can be addressed and adopted during one Town Council meeting rather than by ordinance which requires the item to be addressed at two Town Council meetings; and, most significantly, 3) this action elevates the provisions of the Town of Davie Personnel Rules and Regulations to those consistent with contemporary standards aligned with best practices in the Human Resources Management (HRM) industry.

Please find attached, Exhibit "A", a copy of the current Town Personnel Rules and Regulations with proposed amendments indicated by deletions struck through and additions underlined.

I am available at your convenience, should you have any questions regarding this proposed ordinance.

PREVIOUS ACTIONS: Not Applicable
CONCURRENCES: Not Applicable
FISCAL IMPACT: n/a
RECOMMENDATIONS: Motion to approve the Ordinances

Attachments:

- Ordinance
- Exhibit "A" - Town Personnel Rules and Regulations with proposed amendments indicated

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33 ESTABLISHING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS AND AMENDING ALL SUBSEQUENT ORDINANCES AMENDING SAID ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie has reviewed and analyzed the Town of Davie's Personnel Rules and Regulations and recognizes the need to revise provisions of such Personnel Rules and Regulations in order to elevate the language of said provisions to that consistent with contemporary standards aligned with best practices in the Human Resources Management industry; and

WHEREAS, the Town of Davie during said review and analysis recognized that any necessary future Town Council action regarding said Personnel Rules and Regulations should be addressed through Resolution rather than through Ordinance in accord with Florida Statute 166.041(1)(a)&(b); and

WHEREAS, the Town of Davie recognizes that, in addition, addressing any necessary future Town Council action regarding said Personnel Rules and Regulations through Resolution rather than through Ordinance will provide for greater efficiencies since said Town Council action may be addressed and adopted by resolution during one Town Council meeting; and

WHEREAS, the Town of Davie desires to establish updated Town of Davie Personnel Rules and Regulations consistent with contemporary standards aligned with best practices in the Human Resources Management industry and to address any necessary future Town Council action regarding said Personnel Rules and Regulations through Resolution in accord with Florida Statute 166.041(1)(a)&(b); and

WHEREAS, it has been determined that in order to establish updated Town of Davie Personnel Rules and Regulations consistent with contemporary standards aligned with best practices in the Human Resources Management industry, Ordinance 74-33 establishing the Town of Davie's Personnel Rules and Regulations and all subsequent ordinances amending said ordinance must be amended; and

WHEREAS, it is recommended that Ordinance 74-33 establishing the Town of Davie's Personnel Rules and Regulations and all subsequent ordinances amending said ordinance be amended as indicated in a copy of said amended Personnel Rules and Regulations which is attached hereto as Exhibit "A" in order to re-establish updated Town of Davie Personnel Rules and Regulations consistent with contemporary standards aligned with best practices in the Human Resources Management industry, and that any necessary future Town Council action regarding said Personnel Rules and Regulations should be addressed through Resolution in accord with Florida Statute 166.041(1)(a)&(b); and

WHEREAS, it is in the best interest of the Town of Davie to amend Ordinance 74-33 establishing the Town of Davie's Personnel Rules and Regulations and all subsequent ordinances amending said ordinance in order to establish updated Town of Davie Personnel Rules and Regulations consistent with contemporary standards aligned with best practices in the Human Resources Management industry, and to address any necessary future Town Council action regarding said Personnel Rules and Regulations through Resolution in accord with Florida Statute 166.041(1)(a)&(b).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby amend Ordinance 74-33 establishing the Town of Davie's Personnel Rules and Regulations and does hereby amend all subsequent ordinances amending said ordinance, as indicated in a copy of said amended Personnel Rules and Regulations which is attached hereto as Exhibit "A".

SECTION 2. Any necessary future Town Council action regarding the Town of Davie's Personnel Rules and Regulations will be addressed through Resolution.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of the Ordinance.

SECTION 4. This ordinance shall take effect immediately its passage and approval.

Addressed

PASSED ON FIRST READING THIS ____ DAY OF _____, 2003

PASSED ON SECOND READING THIS ____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2003

Exhibit "A"
will be provided
under separate cover.